Previous references.

File No. 287-08

1904

Serial Nos. 1 to 8

(Courts)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 8

Part B. for February 1910

SUBJECT.

Empowering the amildar of the Mysore Taluk to try cases falling under Sec 290 I.P.C and under the village Sanitation Regulation.

Table of Contents

1. From the District Magistrate, Mysore No 514/8.3rd mar 1909 states that from the time, the amildar of the Mysore Taluk was divested of his magisterial powers the village Sanitation Regulation Could not be efficiently enforced and recommends that the said amildar may be authorised to try cases falling under the village Sanitation Regulation and under Sec 290 I.P.Code
2. To the Deputy Comrs Bangalore, Kolar, Tumkur, Hassan and Shimoga No J 2989-98 & 8-4-09 Enquires whether any inconvenience of the kind referred to in Sl (1), has been felt and if so, how the same is overcome

G. R. S. 58

P.T.O

3. From the Deputy Comr, Tumkur Dt No 684 & 22-9-09
States that for reasons stated it is not possible to express an opinion

4 From the Dy. Comr. Hassan Dt No 399-SS & 24-9-09
Recommends for reasons stated, that the amildars may be re-invested with magisterial powers or at least to the extent recommended by the Dy. Comr. Mysore Dt.

5 From the Dt Magte Bangalore Dt No S 6822 & 30-6-09
Agrees with the Dt Magte Mysore and recommends that the amildar of the Bangalore Taluk may be empowered to try Sanitary cases.

6 From the Dt Magte Shimoga No 20/13 & 13-7-09
Recommends that the amildars of Sagar maybe invested with the above powers

7 From the Dt Magte Kolar No 2528/89 & 6-10-09
States that no inconvenience of the kind noticed by the Dt Magte Mysore is being experienced and that he would try the experiment of the separation of judicial and executive functions for some time more

8. To the Registrar, Chief Court of Mysore
" Revenue Commissioner in Mysore
" District Magistrates of Districts
" S.P. of Police in Mysore
No J 2487-97 & 24-2-10
observes that the opinions expressed are not unanimous and authorises only the District Magte Mysore to empower the amildar of the Mysore Taluk to try the classes of cases referred to above

C. 240.
7. 1. 1910.

G.R.S. 11] 1908-09

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

Ct File No. 287-08.

FILE HEADING.

Empowering the Amildar of the Mysore Taluk to try Cases falling under Section 290 IP. Code and under the Village Sanitation Regulation

From

The District magistrate of Mysore.

No. 5/4 Dated 3rd March Received 5.3.09.

Diary No. J2255 | Enclos. nil Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that from the time the Amildar of the Mysore Taluk was divested of his magesterial powers the Village Sanitation Regulation could not be efficiently enforced. and recommends that the said Amildar may be authorized to try Cases falling under the Village Sanitation Regulation and under Section 290 IP Code & Public nuisances in Cases not provided for by the IP Code

NOTES AND ORDERS.

Subd for orders.

4C9
9.3.09.
13.4.09

The object with which Amildars were divested of their magisterial powers was to inaugurate, in the State

NOTES—First sheet

GPB—30,000—3-4-07

Serial No.

the System of Separation of judicial from Executive functions. The proposal now submitted by the Deputy Commr of Mysore involves the revival of the old System. It is stated that the Amildar, without magisterial powers can not exercise the moral influence over the village Community. It is precisely because this Exercise of moral influence was liable to abuse that the Separation of functions was contemplated by the Government.

J. Bowring Sd

Secretary. I agree in the view stated above & am also in favour of empowering the amildar to try these cases as a magte. The trial of such cases on the spot by an amildar & by any other executive officer is, I fear, only a farce. An officer goes out on inspection & notices a breach of the V.S. Rules. He takes the village officer to task, sends for the person who committed the breach of rules & reprovesh him. He then sends the Sthg of the patel & Shanbog or of his duffedar & the said person & fines him a few rupees. The amildar & other officer often put leading questions to the witness & the record of evidence is generally nothing more than a record

Note—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

of the amildar's own inspection elicited through the mouth of a nominal witness. However ~~just~~ equitable & effective such a prompt ~~trial~~ enquiry & punishment may be — & for one think prompt action in such matters is ~~extremely~~ very effective, — it is certainly a travesty of judicial procedure. The amildar & other officer is himself the prosecutor witness & judge all three rolled into one.

3 Prompt action is no doubt necessary but it is certainly ~~hard~~ on ~~the~~ a man in a remote village to be obliged to go to a court 20 or 30 miles away ~~to be~~ fined 4 as or 8 as for a trifling breach of the court rules. But the best course to meet the difficulty would be to empower the amildar & other officer to deal with such cases qua amildar & not qua magistrate. The R. S. Rules may be easily amended for this purpose. Another way would be to constitute village courts for the trial of such petty cases.

Drawn through (1882)

4 There are other talukas than Thyore in which the Amildar has been

10129
15.3.1909

1883
11/3/09

14/3/09

NOTE—Contn. sheet.

GPB—50,000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

Ch. File No. 287 of 1908-09

Serial No.

been achieved of Magisterial Duties =
Please consult the Dys/rs of the Distts
both those Talukas lying & enquire whether
any inconvenience of the kind complained
of has been felt & how it has been
overcome - Addl reports

Make the enquiries suggested.
V3 3/09
SW
24/3/09

To Ch proceedings
SW
V/3

b Draft Subd.
dc3
29.3.09.
SW
31/3

31/3/09

SW
10/4

2 To the Deputy Commissioners of Bangalore, Kolar, Tumkur, Hassan and Shimoga, N J2989-93 & 8-4-09.
Enquires whether any inconvenience of the kind referred to in Sl. N° (1) has been felt and if so how the same is overcome.

3 From the Deputy Commissioner, Tumkur N° 684 & 22-4-1909.
States that for reasons stated it is not possible to express an opinion

4 From the Deputy Commissioner of Hassan, N° 399-5 & 24-4-09

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No. 4

Recommends for reasons stated that the Amildars may be reinvested with magisterial powers or at least with the power to try cases falling under the Village Sanitation Regulation.

The opinions of the other Deputy Commissioners have not yet been received.

Hcs
30/4/09.

5 From the District magistrate of Bangalore
No S.682 dt 30.6.09.

Agrees with the opinion of the Distt magistrate of Mysore and recommends that the Amildar of Bangalore may be empowered to try Sanitation Cases.

6 From Do — Do. Shimoga, No 20/93 dt 13.7.09.

Recommends that the Amildar of Sagar may be invested with the above powers.

7 From Do-Do Kolar, No 2528/89 dt 6.10.09.

States that no inconvenience of the kind noticed by the District magistrate of Mysore is being experienced and that he would try the experiment of the separation of judicial and executive functions for some

NOTE—Contn. sheet.

GPB—50.000—18-5-08

G. R. S. 12]
General and Revenue Secretariat.

Cs File No. 287 of 1908-09.

Serial No.

time to come =

Subd. Lr for orders -

Hcs SN
9 10 09 S/P

ID The Dy Commr of Kolar is emphatically against reinvesting Amildars with powers as suggested but the Dy Commrs of Bangalore, Hassan and Shimoga complain that the amildar has been rendered powerless to enforce the provisions of the V. S. Regn and that they therefore agree in the recommendation made by the Dy Commr of Mysore. The Dy Commrs of Tumkur say that as prosecutions under the V. S. Regn in the Maddagiri Talug were always few and far between, he could express no opinion on the matter. The Dy Commrs of Chitaldrug and Kadur were not consulted as no amildar in their districts has been divested of magisterial powers.

The question of the Con Establishment of village Courts is engaging the attention of the Govt and as if they are established

NOTE—Contn. sheet.

GPB—50,000—18-5-08

Serial No.

Cases under the V.S. Reg^n may be referred to them, this matter may be left to lie over for some time - the matter especially as opinion is not unanimous.

9/10/09. SH

Dewan thus 2nd ey

2055
5.10.09

13 It is not meant to give village cts any civil powers I believe. This matter however may stand over

10/10/09

2921
12/10/09
Dewan) 14

SH
11/10/09.

Circulate to 1st Councillor also. Secretary 14/13/1009

15 (Gr)

37
14.10.09

There is much to be said on both sides of the question:
In the interests of sanitation of rural parts, the Amildars may be allowed to exercise

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

Magisterial powers under the Village Sanitation Regulation and under Sec 290 I P Code I can see no harm in this being done.

16 The experiment has been in force for nearly 2 years - and it maybe perhaps thought premature to make a departure so soon. which would imply that it has not been tried & found wanting.

Dewan 14/10/09

2975 15/10/09 Place before at a Council meeting

Dewan 15/10

18

Note for the next meeting of Council.

CBB 29/12/09

CBB 29/12/09

To U Clerk 5/1

Dr KC for the D.C may be asked to report whether any proposal to invest the Village Panchayat with powers under Regn 12 of 1904 is under consideration

CBB 12/1/10.

to this village

NOTE—Contn sheet.

GPB—55,000—27-4-09

4017/20-1-10

9

Extract from the Proceedings of the 244th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 10th January 1910.

XIII. Subject.-(Clause — of Schedule).

19

Empowering the Amildar of the Mysore Taluk to try cases under the Village Sanitation Regulation and under section 290 Indian Penal Code.

OPINION.

The District Magistrate of Mysore may be authorised

GPB—300—23-4-09

to empower the Amildar-Magistrate of the Mysore Taluk to try the class of cases referred to.

(Sd) T. Anandarao

Dewan of Mysore

C. Balasundaramiyer

Offg Secy to Govt.

Submitted to His Highness.

21 The Deputy Commissioner of Mysore brought to the notice of Government that the divesting of the Amildar of the Mysore Taluq of his magisterial powers, under the Government Order of 13th October 1907, had seriously interfered with the enforcement of the Village Sanitation Regulation and recommended that the Amildar may be authorized to try cases under the said Regulation, and those falling under Section 290, Public Nuisances, of the Indian Penal Code. The Deputy Commissioners of other Districts where Amildars had similarly been divested of such powers were consulted as to whether any inconvenience of the kind mentioned had been felt by them and their opinion was invited as regards the proposal of the Mysore Deputy Commissioner. The opinion expressed by them was not unanimous.

22 2. The Councillors also did not express a decided opinion on the subject. The Second Councillor thought that the matter may be allowed to stand over for the present, while the First Councillor observed that there would be no harm in empowering the Amildars

concerned with the powers in question, but added that the experiment of separation of magisterial and executive functions had been in force for only 2 years and it may be thought premature to make a departure so soon. The fact, in my opinion, is that there is absolutely no data for gauging the benefit to public justice arising from a sequestration of magisterial functions from the Amildar; that the supposed benefit is purely sentimental, and that while the experiment is continued, there is accruing, at least, the disadvantage of weakening the hands of the Amildar as an executive officer by impairing the prestige of his office.

23 3. The matter was therefore placed before Council and discussed with the result that it was resolved that the District Magistrate of Mysore may be authorized to empower the Amildar of the Mysore Taluq to try the classes of cases referred to.

24 4. Extract from the Resolution of the Council is submitted for the approval of His Highness.

22

P Narasimhan
11/Jul/10

13

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Empowering the Amildar of the Mysore Taluk to try cases under the Village Sanitation Regulation and under section 290, I.P.C.

674

791
29.1.10

25 — ***Order.***
Approved
~~KRW~~
27/1/10

Leey
28/1/10
26
31/1/10
1/2/10

31/1/10

31/1/10

Q —

Serial No.

Sub 27 Under Govt order No J 1187-1227-Ch 196-06-6 & 13.10.1907, the Amildar of the Mysore Taluk, Among others was only divested of the power to take Cognizance of Offences under Section 190 of the Criminal Pro. Code, but he continues to retain his magisterial power. Under Clause (2) of the same Section, the District magistrate subject to the general or Special orders of Govt may empower any magistrate to take Cognizance of Offences on Complaints

28 orders are, under the Circumstances solicited as to whether it is necessary to issue a notification as ordered by the Secretary, or a mere draft Communicating the Council Resolution to the District magistrate will do

Sub 29 for orders —

Hrs
4.2.10 SN 5/2 30 think a draft notification is necessary as Govt have diverted the Amildar magte of his power of taking Cognizance of

NOTE—Contn. sheet.

GPB—55,000—27-4-10

.R. S. 12]
General and Revenue Secretariat.

Ct. File No. 287 of 190 9-09.

Serial No.

Complaints under Sec 190 and it is desirable that Govt should itself re-invest him with that power. Please put up draft accordingly. 28 notan Order also necessary?

Ds

5/2/10

31

Submitted with a draft order and a draft notification for approval

Secs SW
7.2.10

10/2/10.

2816.

2nd/. 32

Why should a notice be published in the Gazette? Was the prohibition so notified? Under what Section of the Cr. Pr. C. would this fall?

14/2/10

SW
15/2/10.

Secd

$. 70.

Notes for reply

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Flag R.

Serial No. 33

Under Rule (1) of Section VIII of the Rules under the Village Sanitation Regulation, Cases falling under the said Regulation, have to be tried by a Magistrate, appointed probably, under Section 12 of the Code of Criminal Procedure, and under Section 190 (2) of the said Code, the Govt or the District magistrate, Subject to the General or Special orders of the Govt; should authorize a magistrate to take Cognizance of Offences before the latter to Can try such cases.

The withdrawal of the powers of the Amildar magistrate of Mysore Taluk, to take Cognizance of Offences was ordered by Govt; but no Notification regarding the same was published in the Gazette, though Copies of the Govt order on the Subject, were sent to all the Heads of Depts, and District magistrates. Subs for orders

Hcs
15/2/10.
15/2

A Notification is not strictly necessary but in view of the

NOTE—Contn. sheet.

Serial No.

wide publicity given to the original order it was considered thought a notification might issue. However the an alternative course would be to place the draft order also at the disposal of the press, omitting the notification

18/2/10 [signature]

2nd C.

2867/19.2.10

No notn should be issued when not strictly necessary. The draft order is sufficient

17/2/10 [signature]

Don't issue the notification. Issue only the order — last sentence struck out

19/2/10. [signature]

B Rec 1/8/P

[signature]

9/7/0

GPB—55,000—27-4-[illegible]

G. R. S. 12]
General and Revenue Secretariat.

Ag. File No. 287 of 1908-09-

Serial No. 8

To the Registrar, Chief Court.
" Revenue Commissioner.
" District magistrates.
" Dy. of Police, City, Mysore.

No. J 2487-97 Dated 2-2-1910

Observe that the opinions expressed are not unanimous, and Authorises Dist. the District magistrate of Mysore to empower the Amildar of the Mysore Taluk to try the Classes of cases referred to above

NOTE—Contn. sheet.

BPG—55,000—27-4-09

No.
Enc. No.

Deputy Commissioner
OFFICE OF THE ~~District Magistrate~~
& District Magistrate
MYSORE DISTRICT,
Dated Mysore Camp 3rd March 1909.

To
C.S.Balasundram Iyer Esq., B.A.
Offg. SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

I have the honor to state that the Amildar of the Mysore Taluk was relieved of his Magisterial duties from November 1907 as per Government Order No. J 1187-12-27 dated 13th October 07 ~~dt/96-6-6~~ YCQ
Since that time, the sanitation of the villages in the Taluk which has never been satisfactory has gone from bad to worse and the provisions of the village savitation Regulation could not be efficdently enforced in the distant villages as the offenders have to be brought all the way for prosecution before the city Magistrate, Mysore. Such offences require to be dealt with promptly and on the spot so that the punishment might have the desired effect. The Amildar, after being deprived of his Magisterial powers, cannot exercise the same moral influence over the people as he was doing till then, and he feels helpless on occasions when people do not cooperate with him in his actions intended for their own welfare.

It is very desirable that a close supervision over the rural sanitation should be received in these days of epidemics such as Cholera, small-pox and Plague.
I therefore propose that the Amildar of the Mysore Taluk may be authorised to try and dispose of only the offences that come under the village Sanitation Regulation, and also Public nuisance as defined under section 290 I.P.C. I request you to place the matter before Government for their favourable consideration and

III 4/5 ct 1908 J 2254

From: Medical Officer Mysore District

To: The Secretary to the Govt of Mysore Sanitary Dept

Dated 3rd March 1909

Despatched

Received

General No. 5114

No.

Enclosure No. nil

Ref File X 2870 & X 1. Requesting to kindly obtain the Govt order permitting the Assistant of Mysore Taluk to buy Opium under Rules of Sanitation Regulation &c —

and obtain their orders at an early date.

I have the honor to be,

Sir,

Your most obedient servant.

Deputy Commissioner &
District Magistrate,
Mysore District.

2255

G.R.S. 26]

4

X

Diary No. of letter replied to

General and Revenue Secretariat

( )

, the 190 .

Date of issue 8. 4. 09

Signed by Jus/Hiriyannaiya

G. - File No. 287 of

Serial No. 2

No. J 2989-93

8 4 09.

To The Deputy Commissioners of Bangalore, Kolar, Tumkur, Hassan and Shimoga.

I am forwarding herewith a copy of letter R 514 dated the 3rd March 1909, from the Deputy Commissioner, Mysore District, recommending for reasons stated therein the investure of the Amildar of the Mysore Taluk ~~may be conferred~~ with ~~the~~ power to try Cases falling under the Village Sanitation Regulation

over.

SUBJECT.

has the honor to enquire whether any inconvenience of the kind referred to therein has been felt in the Taluk(~~s~~ Taluks) of this District where the amildar ~~s~~ (Amildars) has (have) been relieved of Magisterial duties and if so how it has been overcome -

I have etc
By Order

for Secretary

N.B. [Please let the making use of the ... in case of ... District.]

List of enclosures.

29.3.05
21/3/05

Copied by

Examined by

MGCPB—30,000—16-2-05

Office of the District Magistrate

Tumkur District.

Dated Tumkur 22nd April 1909

24

From

K. Doraswami Iyer Esq

District Magistrate

Tumkur District .

To

K.S. Chendrasekhara Iyer Esq B.A.B.L.

Secretary to Government of .

His Highness the Maharaja of Mysore

General and Revenue Departments

Bangalore.

Sir,

With reference to your docket No J 2989-93 / Cts 287-08-2 dated 8th April 1909 forwarding copy of letter No 514 dated 3rd March 1909 from the Deputy Commissioner , Mysore , and enquiring whether any inconveneince has been felt ~~feet~~ with regard to the efficient control over the sanitation of villages by Amildars in Taluks where they have been relieved of their magisterial duties , I have the honour to state that Maddagere is the only Taluk in this District where the Amildars criminal jurisdiction has been transferred to a Munsiff and in this Taluk prosecutions under the village Sanitation Regulation have always been few and far between and so it is not possible to express an opinion.

I have the honour to be

Sir,

Your most obedient servant

N Madhavadas

For Deputy Commissioner.

2nd

190 J 2739

From
The District Magistrate

Tumkur District

To
The Secretary to Govt .of
Mysore Gen and Rev De-
partments Bangalore .

Dated 22nd April 1909

Despatched 24-4-09

Received

General No. 684
No.

Enclosure No. 2 Encl

Stating that in this district as Maddagiri is the only Taluk where the Amildar has been relieved of his magisterial functions, no opinion as to the necessity for empowering the Amildar magis. to try cases under the Village San. Regulation, in such Talukas can be given

Ch File No 287-08
8 C.N. 3

Office of the Deputy Commissioner

Hassan District

Dated, Camp Headquarters, 26th April 1909

From

P. R. V. Wethered Esquire

Deputy Commissioner

Hassan District

To

K. S. Chandrasekhara Iyer

Esquire, B.A., B.L.

Secretary to the Government of

His Highness the Maharaja of Mysore

General and Revenue Department

Bangalore

Sir,

Adverting to your docket

No. J 2989-93 / Cls 287-08-2 dated 8th instant forwarding copy of letter No 514 dated the 3rd March 1909 received from the Deputy Commissioner, Mysore District, and requesting to whether any inconvenience of the kind referred to therein has been felt in the

1908-09

J 2764

From P. R. V. Wethered Esquire
Deputy Commissioner
Hassan District

To K. S. Chandrasekhara Iyer
Esqre B. A. Bd
Secretary to the Govt of H. H. the Maharaja
of Mysore
Genl & Rev Departments
Bangalore

Dated 24th April 1909
Despatched
Received Camp Arkalgud

General No. 377
No. S

Enclosure No Nil

Ag Secs J 287-08
C. N. A

Subject

Recommending the Amildars of Hassan and Holenarsipur Taluks be invested with power to try cases falling under the Village Sanitation Regulation &c.

the Talukas of this District, I have the honour to state that I entirely concur in the opinion expressed by the Deputy Commissioner of Mysore, as the same inconvenience is complained of by the Amildars of Hassan and Holenarsipur Talukas of this District, where they are precluded from taking cognizance of complaints under Section 190 Criminal Procedure Code, as ordered in Government Proceedings No J1187-12-27 dated Ds 196-06-6

13th October 1907.

2. The Amildar both as the chief Revenue officer and Magistrate of the Taluk was formerly

formerly exercising much
moral influence over the Pyoh
population, especially in regard
to the enforcement of proper
Sanitation in villages and
the Village Night-watch, as any
wilful opposition against such
laws could be promptly dealt
with by him, the case being
disposed of on the spot and
the offender punished. All
present, if the Amildar who
is precluded from entertaining
any such complaints were to
insist upon the villagers attend-
ing to the proper sanitation
of the surroundings of their
houses, or to insist upon the
villagers taking their turns
in

in the night watch of the village,
they know that they can
afford to ignore the Amildar's
orders. And the Amildar in
such instances will be obliged
in extreme cases to take action
against such offenders by the
institution of a formal complaint
before the Munsiff Magistrate,
which entails much extra trouble,
when such cases become numerous
+ necessarily entails delay, so that
the punishment eventually
inflicted will lose its effect.

3. In these circumstances
I am of opinion that there is
no means of overcoming these
defects without permitting
the

the Amildar Magistrates Con-
cerned to exercise the usual
criminal jurisdiction as
formerly or as proposed by
the Deputy Commissioner of
Mysore District in the last para
of his letter referred to above.

I have the honour to be
Sir,
Your most obedient Servant

P. W. Wellesley

Deputy Commissioner
Hassan District

Bangalore District.
Deputy Commissioner's Office
Bangalore 30th June 1909.

S. No. 682

2/1909

From,
B. J. Kumaraswami Naik Esquire B.A.
Deputy Commissioner
Bangalore District.

To
C. S. Balasundaram Iyer Esquire B.A.
Offg Secretary to the Government of His
Highness the Maharajah of Mysore
General & Revenue Departments.

Sir,

With reference to your docket No. J. 2989-93 dated the 8th April 1909, cts. 287-08-2 enquiring whether any inconvenience has been felt in the Taluk of this District where the Amildar has been relieved of his magisterial duties, I have the honor to state that out of 88 villages in the Bangalore Taluk into which the Rules framed under the village Sanitation Regulation I of 1898 have been introduced,

65

Cb Tlk/477 9/55
100809

From

The ~~Deputy~~ Commissioner
Bangalore District

To

The Secretary to the
Government of Mysore
General & Revenue Depts

Dated 30th June 1909

Despatched 2nd July

Received

General No.
J No. 682

Enclosure No.

Cb Tlk 287-08
Sec. 5

Secretary docket in
J 2988-90/Ct-287-08-2
of 8th April 1909.

Reporting the occurrence of bell-ring in the Taluk of this & where the Amildar has been relieved of his magisterial duties and recommends that the Amildar Marshals may be empowered to try cases of failing under the village Sanitation Regulation and Rules on reports made by the village Patels and Police officers.

65 villages are within a radius of 5 miles from Bangalore and the rest viz: 23 villages are at a distance of between 6 and 17 miles from Bangalore. In the case of the former no difficulty is felt as the cases falling under the said Regulation are being taken up and disposed of by the City Magistrate, Bangalore. But in the case of the latter, much inconvenience seems to have been caused to the accused and the witnesses for the prosecution, etc, on account of the long distance between the several villages and Bangalore. Further, as the Amildar of the Taluk frequently visits such villages he will have many opportunities to deal with cases falling under the village Sanitation Regulation on the spot which

which would in many cases be an efficient mode of guarding against the repetition of offences of a similar nature. In these circumstances, I agree with the Deputy Commissioner of the Mysore District and recommend that the Amildar Magistrate may be empowered to try cases falling under the Village Sanitation Regulation and Rules, on reports made by the Village Patels and Police Officers.

I have the honor to be,
Sir,
Your most Obedient Servant

Rayalu Ramaiah

for Deputy Commissioner
Bangalore District.

No. 20 Jud 3

From

District Magistrate's Court
Shimoga
Dated 13th July 1909.

To

M. Narain Rau Esquire
District Magistrate
Shimoga

C. S. Balasundaramaier Esqr. B.A.
Secretary to Government
General and Revenue
Department

Sir,

Adverting to your docket No J. 2989-93
Ch. 287-08-2
dated 8th April 1909 enquiring whether any inconvenience is felt regarding the trial of offences under the Village Sanitation Regulation in Taluks in which the Amildar has been relieved of his Magisterial duties, I have the honor to state that Sagar is the only Taluk in this District where the Amildar has been divested with the power of entertaining Complaints under clauses (a) and (b) of Section 190 Criminal Procedure Code, from the 1st December 1907.

2 In the year 1906-07 when the Amildar was exercising Magisterial powers, 7 cases were

1909 J157

From
M. Narain Rao Esqr
District Magistrate

To Shimoga.
C. S. Balasundaramier Esqr B.A
Secretary to Government
Dated Genl and Revenue
Despatched 13th Department
Received July 1909

General No. 20
No. Jud. 3.
Enclosure No.

A 287-08
8. n°. 6

A Inverting to his docket No J. 2989-93 dated 8th April A. 287-08-2 1909, recommends that the Amildar Magistrate of Sagar may be empowered to enquire and dispose of Offences under the Sanitation Rules.

were disposed of under the Village Sanitation Regulation. In the year 1907-08 when the Amildar was relieved of the Magesterial duties, one case was disposed of by the Munsiff Magistrate of Sagar and none in the year 1908-09. at all.

3. The above result shows that prosecution under the Sanitary Rules are rarely resorted to especially as regards Offences committed in outlying Villages.

4. In the interest of Sanitation of the rural Villages and having regard to the convenience of parties and witnesses, I would recommend that the Amildar Magistrate of Sagar Taluk may be empowered to enquire and dispose of offences under the Sanitation Rules.

I have the honor to be

Sir,

Your most obedient Servant

Narain Rao

District Magistrate

Shimoga

Office of the Deputy Commissioner,
Kolar District

No 2528/89.

Dated, Kolar, 6th October 1909

From
C. Srikanteswara Aiyar Esquire, B.A., B.L.,
Deputy Commissioner, Kolar District.

To
K. S. Chandrasekhara Aiyar Esquire, B.A., B.L.,
Secretary to the Government of H.H. the Maharaja
of Mysore, General and Revenue department.

Sir,

With reference to your docket No 2989-93 / cb 287-08-2 dated the 8th April 1909, calling for my opinion regarding the proposal of the Deputy Commissioner of Mysore District that the Amildars of taluks who have been relieved of magisterial duties may be invested with the power to try cases falling under the Village Sanitation Regulation, I have the honor to submit in the first instance that this proposal would seem to contemplate the reversal of the policy

II/154/1909 J.923

1909

From

The Deputy Commissioner,
Kolar District

To

The Secretary to the Government of Mysore General and Revenue departments.

Dated 6
Despatched } October 1909
Received

General No. 2528
No. 89

Enclosure No. Nil

Stating that the investiture of Amildars who do not exercise Criminal jurisdiction with the power to try Cases falling under the Village Sanitation Regulation may be deferred for some time

C. 287-09
8/1.7.

policy of separating the judicial from executive functions, only recently adopted in certain specified localities in the State.

2. In this District, Kolar is the only Taluk where the Amildar has been divested of his Criminal powers, the same now being exercised by the Munsiff, who has jurisdiction over the whole Taluk. Just at the Commencement of the experiment, there seemed to be some indications of a weakening of the authority of the Amildar, and as a matter of fact even a case of assault on the Kasaba Sheikdar was reported when he went to collect the arrears of Kandayam in a village, but with prompt enquiry and disposal of the case by the District Magistrate, the matter quickly adjusted themselves with the result that no work of any kind has since suffered from the Amildar not exercising Criminal jurisdiction.

There was an assault on Sheikdar.

In matters of Sanitation, in

in particular, there has not been any deterioration or relaxation as Compared with the past. On the Contrary, the Sanitary improvements have been Carried on most vigorously and extensively in this Taluk, during the past two years, the people themselves Coming forward with labour Contribution to render their village Sites clean and tidy. More than any strict enforcement of law, a little persuasion and enlightenment are all that are needed to Carry out the measures to the advantage of the people themselves, and much solid and useful work Can be done in this direction by a tactful Amildar, by his taking the people along with him and Creating a healthy rivalry and emulation amongst themselves for all of which, bereft of magisterial functions and not tied down to his Court, he has so much of leisure and Scope to educate them and inculcate in them the principles of Sanitation.

3. The Sanitation Rules, besides,

do

do not Contemplate the summary and immediate punishment of the offenders. Section 4 of chapter VIII provides for the granting of time to the offenders to Comply with the requirements of the Rules and it may be safely asserted that our ryots are generally amenable to reason, without giving much trouble. The Cases of really contumacious persons who defy the authorities Can, however, always be dealt with by the Amildar, by himself setting the law in motion with the same or even with more effective results than if he himself tried the Case.

4. For these reasons, I would try the experiment some time longer, no inconvenience being felt hitherto.

I have the honor to be,
Sir,
Your most obedient servant,

S. Shamanna
for Deputy Commissioner
Kolar Dist.

CC.

G.R.S. 28]

9 Sept
abstract

As File No. 287-08
Serial No. 8.

21/240

Diary No. of letter replied to 923

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(cts)

, *the* Aug 2 190

Date of issue 24-2-1910

Signed by Mr Shivyamaiya.

READ.—

Govt Proceedings N° J 1187-1227-Cts 196-06-6 dated the 13th October 1907, divesting the Amildar of the Mysore Taluk, among others, of the power to take Cognizance of Offences under Section 190 of the Criminal Procedure Code,

(2) Letter N° 514 dated the 3rd March 1909.

ORDER THEREON. No.

over

SUBJECT

MGCPE—20,000—24-2-05

from the Deputy Commissioner and District Magistrate, Mysore District, stating that the divesting of the Amildar of the Mysore Taluk, of his magisterial powers has seriously interfered with the enforcement of the provisions under the Village Sanitation Regulation, and recommending that the Amildar may be authorized to try cases under the said Regulation and those falling under Section 290, (Public Nuisances), of the I.P. Code.

(3) The following Letters from the District Magistrate of Hassan Taluk.

No 684	dated the	22-4-1909	from the District Magistrate of	Hassan.
399-S	8	24.4.1909	Do	Do — Hassan.
S 682	8	30.4.1909	Do	Do — Bangalore
20/J.D.	8	13.7.1909	Do	Do — Shimoga.

Certain other Letters

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form*)

No 2528 & 6.10.1909 from the
District Magistrate of
Kolar -
furnishing their
opinion in the matter
of
Order thereon No 2487-97
Govt observed that
the opinions expressed
by the Deputy Commissioners
of Districts where
Amildars have been
similarly divested
of their magisterial
powers are not unanimous
as to the expediency
of investing such
Amildars with
the power to try Cases
under the Village
Sanitation Regulation
and those under Section
290, Indian Penal
Code of the Indian Penal
Code. Govt therefore
think it sufficient
to authorize such
of the District

G.R.S. 28]

File No. 287-08

Serial No. 8.

21/2/10

Diary No. of letter replied to 923

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

(cts)

, the Aug 2 190

Date of issue 24-2-1910

Signed by Sir Shivaswamaiya.

READ.—

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over

ORDER THEREON.—

SUBJECT